

Service Date: November 20, 1989

FINAL ORDER NO. 5964

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION

In the Matter of the Application of)	DOCKET NO. T-9449
JOHN R. CAHOON DBA CAHOON RANCH)	
LOGGING, Seeley Lake, Montana)	
for a Certificate of Public Conven-)	ORDER NO. 5964
ience and Necessity.)	

The Commission, having taken evidence and being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On August 2, 1989, John R. Cahoon dba Cahoon Ranch Logging, P.O. Box 158, Seeley Lake, Montana 59868, filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing the transportation of hog fuel, wood chips, sawdust, decorative bark and sawmill waste and by-products, Class C, between all points and places in the following counties: Missoula, Powell, Mineral, Lewis & Clark and Granite.

2. In accordance with Section 69-23-321, MCA, as amended, this matter was noticed to the public September 7, 1989. That notice said in pertinent part:

If no written protests are received by September 27, 1989, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

3. Protests were filed by Lierg, Inc., Missoula, Montana; U & R Express, Inc., Medford, Oregon; and Missoula Cartage Company, Inc., Missoula, Montana.

4. The docket was notice for public hearing on October 11, 1989, to be held November 1, 1989, in Helena, Montana. Prior to the hearing, parties agreed to a stipulated grant of authority. All protests were subsequently withdraw.

5. The record of this application is available for inspection at the Public Service Commission Office, 2701 Prospect Avenue, Helena, Montana 59620-2601.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

ORDER

NOW THEREFORE, at a session of the Public Service

Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 2701 Prospect Avenue, Helena, Montana, on the 20th day of November, 1989, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-9449, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of JOHN R. CAHOON DBA CAHOON RANCH LOGGING, Seeley Lake, Montana for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Class C - Hog fuel, wood chips, sawdust, decorative bark and sawmill waste and by-products between all points and places in the following counties: Missoula, Powell, Mineral, Lewis & Clark and Granite.
Limitations - Transportation to the following facilities is prohibited: Champion International Plant at Bonner, Montana; Stone Container Plant at Frenchtown, Schilling, Montana; Lousiana Pacific Plant at Missoula, Montana.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by certified mail to the Applicant herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 20th day of November, 1989, by a vote of 5 - 0 .

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

CLYDE JARVIS, Chairman

HOWARD L. ELLIS, Vice Chairman

JOHN B. DRISCOLL, Commissioner

DANNY OBERG, Commissioner

WALLACE W. "WALLY" MERCER, Commissioner

ATTEST:

Ann Peck
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.